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April 26, 2007

Mail Stop: PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants	:	Alexander D. Romaschin and Paul M. Walker
Serial No.	:	10/614,678
Examiner	:	Duffy, Patricia Ann
Filed	:	July 7, 2003
Art Unit	:	1645
For	:	Measurement of Analytes
Docket No.	:	1148-1-002CIPF

Dear Sir:

Petitioners received a Decision on Petition under 37 CFR 1.55(c) mailed from the USPTO on March 26, 2007. Petitioners understand that the earlier filed Petition was deficient because neither the application data sheet nor the oath or declaration identified the foreign application for patent for which priority was claimed under 37 CFR 1.55 pursuant to the requirements of 37 CFR 1.63(c)(2). Petitioners hereby cure this deficiency and submit a newly executed Declaration of the inventors expressly referencing the subject Canadian Application Serial No. 2,097,952, filed June 8, 1993, together with the Renewed Petition Pursuant to 37 CFR 1.55(c).

Petitioners note that the amendments to the specification filed on July 9, 2004 and August 18, 2006 are improper as inadvertently and in clear error claiming that U.S. Application No. 08/257,627 "is a national stage entry pursuant to 35 USC 111 of PCT/CA94/00325." U.S. Application No. 08/257,627 is in fact, not a national stage entry of the subject PCT application but rather was filed concurrent with and on the same date as the subject PCT application. Therefore, Petitioners submit herewith a Supplemental Amendment and Response correcting this inadvertent but clear error in the claim to priority.

Commissioner for Patents

April 26, 2007

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Petitioners previously submitted a check in the amount of \$1,370.00 representing the surcharge required pursuant to 37 C.F.R. 1.17(t). It is believed that no additional fees are currently due, however, if any additional fees are due, please charge our Deposit Account No. 11-1153.

We look forward to prompt resolution of these issues and a favorable decision on the Renewed Petition Pursuant to 37 CFR 1.55(c).

Best regards,

KLAUBER & JACKSON L.L.C.

By:   
J. David Smith  
JDS:ls  
Enclosures

KLAUBER & JACKSON L.L.C.



PATENT  
1148-1-002CIPF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Alexander D. Romaschin and Paul M. Walker

SERIAL NO.: 10/614,678

EXAMINER: Duffy, Patricia Ann

FILED: July 7, 2003

ART UNIT: 1645

FOR: MEASUREMENT OF ANALYTES

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail and in an envelope with sufficient postage addressed to COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 on April 26, 2007.

Lois A. Snure  
(Name of Person Depositing)

Lois A. Snure 4/26/07  
(Signature and Date)

RENEWED PETITION PURSUANT TO 37 C.F.R. 1.55(c)

Mail Stop: PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Examiner indicates that the priority claim to the original Canadian patent application is defective as submitted too late in July, 2004. Petitioners previously petitioned for acceptance of the delayed claim for priority under 35 U.S.C. 119(a) which claim to priority was made in an Amendment and Response filed on July 7, 2004. Petitioners submit that the instant application is a Continuation-in-Part of Application Serial Number 09/585,582 which is a Continuation-in-Part of Application Serial Number 09/353,189, now U.S. Patent No. 6,306,614; which is a Continuation-in-Part of Serial No. 08/552,145, filed November 2, 1995; now U.S. Patent No. 5,804,370; which is a Continuation-in-Part of Serial No. 08/516,204, filed August 17, 1995,

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abandoned; which is a Continuation-in-Part of Serial No. 08/257,627, filed June 8, 1994, now abandoned, and which claims priority under 35 U.S.C. 119(a) of Canadian Application Serial No. 2,097,952, filed June 8, 1993. Petitioners hereby petition for acceptance of the priority claim under 35 U.S.C. 119(a) to Canadian Application Serial No. 2,097,952, filed June 8, 1993.

Petitioners understand that the earlier filed Petition was deficient because neither the application data sheet nor the oath or declaration identified the foreign application for patent for which priority was claimed under 37 CFR 1.55 pursuant to the requirements of 37 CFR 1.63(c)(2). Petitioners hereby cure this deficiency and submit a newly executed Declaration of the inventors expressly referencing the subject Canadian Application Serial No. 2,097,952, filed June 8, 1993.

Petitioners note that the amendments to the specification filed on July 9, 2004 and August 18, 2006 are improper as inadvertently and in clear error claiming that U.S. Application No. 08/257,627 "is a national stage entry pursuant to 35 USC 111 of PCT/CA94/00325." U.S. Application No. 08/257,627 is in fact, not a national stage entry of the subject PCT application but rather was filed concurrent with and on the same date as the subject PCT application. Therefore, Petitioners submit herewith a Supplemental Amendment and Response correcting this inadvertent but clear error in the claim to priority.

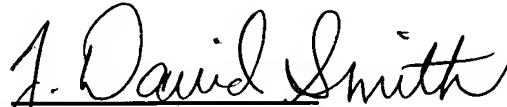
Petitioners previously submitted a check in the amount of \$1,370.00 representing the surcharge required pursuant to 37 C.F.R. 1.17(t). It is believed that no additional fees are currently due, however, if any additional fees are due, please charge our Deposit Account No. 11-1153.

Petitioners state that the entire delay between the date the claim was due under 37 C.F.R. 1.55(a)(1) and the date the claim was filed (first on July 7, 2004 in an Amendment and Response and second on this date) was unintentional.

***Conclusion***

Acceptance of the petition is hereby requested, and grant of the petitioned relief is hereby sought. Should a discussion be helpful in resolving any outstanding issues, please telephone the undersigned at (201) 487-5800.

Respectfully submitted,

  
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